

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

DIS. CT. NO. 23-10171

CHRISTOPHER WYMAN

Debtor(s),

HON: DAVID A. LAWSON

BANK. NO. 12-32264

CHAPTER 7

HON: D. S. OPPERMAN

**MICHAEL E. TINDALL, Individually and
As Assignee of 100% of the interest of
BARBRA A. DUGGAN,**

APPELLANT

SAMUEL A. SWEET, TRUSTEE,

APPELLEE

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APPELLANTS' FRBP 8014(f) CITATION OF SUPPLEMENTAL AUTHORITY

Appellant filed his APPEAL BRIEF, DE 27, 28 July 5, 2023. Appellee filed his RESPONSE BRIEF, DE 29, d July 31, 2023. Appellant's REPLY BRIEF, DE 30, was filed August 14, 2023.

Appellee's RESPONSE BRIEF repeatedly asserted the argument/defense of "collateral attack" in response to multiple arguments contained in Appellant's APPEAL BRIEF:

1. **ARGUMENT 1:** "That order for first and final fees of Attorney for Trustee, Samuel D. Sweet was not appealed until January of 2023 ... Appellee believes Mr. Tindall has missed his opportunity to appeal this order and as a result this issue should be ruled in Trustees favor." DE 29, PP 3-4, PageID 1813-14.
2. **ARGUMENT 3:** "Appellant is attempting to collectively (sic) [collaterally] attack the Bankruptcy Court order, which was filed on March 17, 2021 and never appealed ... The appeal was not taken until January 23, 2023. This issue on appeal is untimely." DE 29, P 6, PageID 1816.
3. **ARGUMENT 5:** "...the bankruptcy court entered an opinion dismissing the counter claims of Appellant on March 17, 2021. No appeal was taken with respect to that opinion and now Appellant appears to be collaterally attempting to attack that decision." DE 29, PP 8-9, PageID 1818-19.

On September 7, 2023, the SIXTH CIRCUIT Court of Appeals decided and issued, “for publication”, *Republic Bldg. Co., Inc. v. Charter Township of Clinton Mich.*, attached as Exhibit A. In that decision, the Court made clear that a “collateral attack” is an attack “**other than a direct appeal**”. It is an attack that “seeks to circumvent an earlier ruling of one court by filing a **subsequent action** in another court.” A direct appeal, such as this case, is not a subsequent action. Appellant’s arguments based on “collateral attack” are therefore without merit and facially invalid.

Dated: 9/11 /23

Respectfully Submitted,

/S/

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CERTIFICATION:

I hereby certify that the foregoing brief complies with the type-volume limitation provided in *Fed Rul. Bank. Pro. 8014(f)* and contains 294 words of Time New Roman (14 point) proportional type prepared with Microsoft Word for Windows 7 Professional Edition.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DISTRICT COURT NO. 23-10171
Honorable David A. Lawson

IN RE:

CHRISTOPHER D. WYMAN
Debtor(s),

BANK CASE NO. 12-32264
CHAPTER 7
HON: D. S. OPPERMAN

MICHAEL E. TINDALL,
Appellant,
v.

SAMUEL D. SWEET,
Appellee.

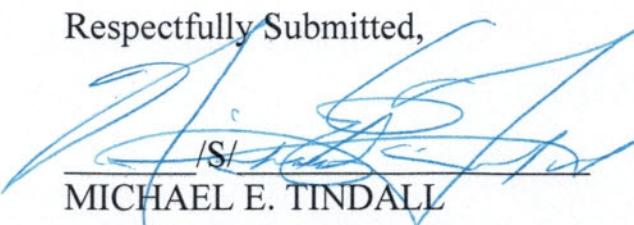
CERTIFICATE OF SERVICE
(Modified for PEDUP)

Appellant, in pro per, hereby certifies that

**APPELLANTS' FRBP 8014(f) CITATION OF SUPPLEMENTAL
AUTHORITY**

was submitted for filing through the PEDUP program on September 11, 2023 and will be served on Appellee Trustee Sweet by the Clerk's filing through the Court's ECF System on the date and at the time so filed by the Clerk.

Respectfully Submitted,


/S/

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Dated: 9/11 2023